IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 584 OF 2006.

Smt. Radha Sadanandan & ors. ... Appellants
V/s.
Purshottam J. Poojari & ors ... Respondents.

Shri R.D. Mishra for the appellants.

CORAM : A.M. KHANWILKAR, J.

DATED : 8.8.2006.

P.C. :

. This appeal takes exception to the judgment and order passed by the City Civil Court, Bombay, dated 18th July 2006, dismissing Notice of Motion No. 2723 of 2006 in S.C. Suit No.2922 of 2006 filed by the appellant-applicant before the lower Court for vacating the ad-interim order granted on earlier occasion by the concerned Court. Neither the pleadings filed by the respondents- -plaintiffs nor the ad-interim order therein is appended to the present appeal. On this count alone the appeal ought to be dismissed for non-prosecution.

2. Counsel for the appellants however, submits that as the appellant is not a party to the suit those proceedings have not been served on the appellants. It is inconceivable that the appellant would move this application in Notice of Motion No. 2723 of 2006 without taking inspection of the

original proceedings taken before the trial Court in S.C. Suit No. 2922 of 2006 and Notice of Motion filed by the plaintiff in the said suit.

3. Be that as it may, this appeal can be disposed of by directing the trial Court to decide the notice of motion taken out by the plaintiff in S.C. Suit No. 2922/2006 expeditiously, preferably by end of October 2006. All questions in the said notice of motion are kept open to be decided on its own merits in accordance with law. Order accordingly.

(**A.M.KHANWILKAR,J.**)